

1 MICHAEL J. STORTZ (State Bar No. 139386)

2 [MICHAEL.STORTZ@DBR.COM](mailto:MICHAEL.STORTZ@DBR.COM)

3 DRINKER BIDDLE & REATH LLP

4 50 Fremont Street, 20th Floor

5 San Francisco, California 94105-2235

6 Telephone: (415) 591-7500

7 Facsimile: (415) 591-7510

8 Attorneys for Defendants

9 COMCAST OF ALAMEDA, INC.; COMCAST OF  
10 CALIFORNIA II, INC.; COMCAST OF CALIFORNIA III,  
11 INC.; COMCAST OF CALIFORNIA IX, INC.; COMCAST  
12 OF CALIFORNIA V, INC.; COMCAST OF CALIFORNIA  
VI, INC.; COMCAST OF CALIFORNIA X, INC.;  
COMCAST OF CALIFORNIA XIII, INC.; COMCAST  
CORPORATION; COMCAST OF FRESNO, INC.;  
COMCAST OF MARIN I, INC.; COMCAST OF MARIN II,  
INC.; COMCAST OF NORTHERN CALIFORNIA I, INC.;  
COMCAST OF NORTHERN CALIFORNIA II, INC.;  
COMCAST OF SACRAMENTO I, LLC; COMCAST OF  
SACRAMENTO II, LLC; COMCAST OF SAN LEANDRO,  
INC.; COMCAST OF SIERRA VALLEYS, INC.

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 JON HART, On Behalf of Himself and All Others  
17 Similarly Situated, and On Behalf of the General Public,

Case No. C-07-06350 PJH

18 Plaintiff,

**DEFENDANTS' NOTICE OF  
MOTION AND MOTION FOR  
JUDGMENT ON THE  
PLEADINGS**

19 v.

Date: May 21, 2008  
Time: 9:00 a.m.  
Dept: Courtroom 3  
Judge: The Honorable Phyllis J.  
Hamilton

20 COMCAST OF ALAMEDA, INC.; COMCAST OF  
21 CALIFORNIA II, INC.; COMCAST OF CALIFORNIA  
III, INC.; COMCAST OF CALIFORNIA IX INC.;  
COMCAST OF CALIFORNIA V INC.; COMCAST OF  
22 CALIFORNIA VI INC.; COMCAST OF CALIFORNIA  
X INC.; COMCAST OF CALIFORNIA XIII INC.;  
COMCAST CORPORATION; COMCAST OF  
23 FRESNO, INC.; COMCAST OF MARIN I, INC.;  
COMCAST OF MARIN II, INC.; COMCAST OF  
24 NORTHERN CALIFORNIA I, INC.; COMCAST OF  
NORTHERN CALIFORNIA II, INC.; COMCAST OF  
25 SACRAMENTO I, LLC; COMCAST OF  
SACRAMENTO II, LLC; COMCAST OF SAN  
26 LEANDRO, INC.; COMCAST OF SIERRA VALLEYS,  
INC.; and DOES 1-250,

27 Defendants.

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on May 21, 2008 at 9:00 a.m., or as soon thereafter  
 3 as the matter may be heard in Courtroom 3, located at 450 Golden Gate Avenue, San  
 4 Francisco, CA 94102, Defendants will move and hereby does move this Court for an  
 5 Order for Judgment on the Pleadings. This Motion is brought pursuant to Federal Rule of  
 6 Civil Procedure 12(c) on the grounds that the Plaintiff's claims fail as a matter of federal  
 7 and state law.

8 This Motion is based upon this Notice of Motion and Motion, the accompanying  
 9 Memorandum of Points and Authorities, and all other matters with respect to which the  
 10 Court may take judicial notice, as well as all papers and pleadings on file or deemed to be  
 11 on file herein, and such argument as may be presented at the hearing.

12  
 13 Dated: March 14, 2008

DRINKER BIDDLE & REATH LLP

14  
 15 /s/ Michael J. Stortz  
 16 MICHAEL J. STORTZ  
 17 50 Fremont Street, 20th Floor  
 18 San Francisco, California 94105-2235  
 19 Telephone: (415) 591-7500  
 20 Facsimile: (415) 591-7510

21  
 22 *Counsel for Defendants*

23 SEAMUS C. DUFFY  
 24 MICHAEL W. MCTIGUE JR.  
 25 MICHAEL P. DALY  
 26 One Logan Square  
 27 18th & Cherry Streets  
 28 Philadelphia, Pennsylvania 19103-6996  
 Telephone: (215) 988-2700  
 Facsimile: (215) 988-2757

*Of Counsel for Defendants*